IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 18857 of 2006(T)

PETITIONER:

PREETHA ANTONY, VELLARA HOUSE,
THIRUVENKIDOM, GURUVAYOOR, PIN-680 101,
THRISSUR DISTRICT.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS:

1. THE DIRECTOR OF PUBLIC INSTRUCTION,
   THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
   THRISSUR.

3. THE DIRECTOR,
   SARVA SHIKSHA ABHIYAN, PALAYAM,
   THIRUVANANTHAPURAM.

4. THE DISTRICT OFFICER,
   KERALA PUBLIC SERVICE COMMISSION OFFICE,
   THRISSUR.

BY GOVERNMENT PLEADER SMT.REMANI T..
SHRI.ALAXANDER THOMAS, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/10/2007, ALONG WITH WPC NO. 21211 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 18857/06.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE REPRESENTATION BEFORE R3 DTD.25.4.06.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).Nos.18857 & 21211 of 2006

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Dated this the 15th day of October, 2007

J U D G M E N T

In W.P(C).No.18857/2006, the petitioner, Preetha Antony, who is a person included in the rank list prepared by the PSC for appointment to the post of High School Assistant (Social Science), is seeking a direction to the respondents to appoint her as H.S.A.(SS) against a regular vacancy in the Education Department or in the SSA Scheme in Thrissur District, and also to declare that the petitioner is entitled to get appointment as Trainer in BRC or CRC under the SSA Scheme. W.P(C).No. 21211/2006 is filed by the H.S.A. Social Studies Rank Holders Association, Thrissur and Shri.Jaltrod.E.V., a person included in the rank list prepared by the PSC for appointment to the post of H.S.A.(SS) in Thrissur District. Petitioners are aggrieved by the failure on the part of respondents 1 to 4 to report vacancies available for the post of H.S.A.(SS) in Thrissur District. They

submit that since there are several posts of BRC trainers under the SSA scheme, the persons in the rank list for the post of H.S.A.(SS) may be considered to those posts also.

2. In W.P(C).No.21211/2006, the Deputy Director of Education, Thrissur, has filed a counter affidavit. In the same it is stated that at present there are 24 excess Social Science teachers available in Thrissur district and before accommodating them, no person can be advised and appointed from the PSC list. They have given the details of 24 excess H.S.As. (SS) in the counter affidavit. They have also stated that these excess teachers have to be deployed after finalisation of the staff fixation for the year 2006-07. It is only after ascertaining whether there are vacancies after deploying 24 teachers that vacancies can be reported to the PSC, is the contention in the counter affidavit.

3. In W.P(C).No.18857/2006 a counter affidavit has been filed by the Administrative Officer, SSA, Thiruvananthapuram. In the same, it is stated that BRC trainers are not permanent appointees and the said post cannot be filled up by selection through PSC. It is further stated that the vacancies of BRC

trainers are to be filled up by deputation from Government school teachers having five years' service. Further, it is stated that the posts would exist only for a specific period, which are liable to be abolished on winding up of the project and hence vacancies are to be filled up by deputation only.

4. In view of the categoric averments in the counter affidavit filed in the two cases, I am afraid that the petitioners are not entitled to any relief as prayed for in the writ petitions. However, if on staff fixation for the year 2006-07 any further vacancies are found to exist in the post of H.S.A(S.S.) in Thrissur District, the same shall be reported to the PSC within one month from the date of receipt of a copy of this judgment or within one month from the date of orders of staff fixation, whichever is later.

The writ petitions are disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.